

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Ronny Auburn Doran,

Plaintiff,

vs.

REPORT AND RECOMMENDATION

Joan Fabian, et al.,

Defendants.

Civ. No. 07-104 (DWF/RLE)

* * * * *

The above-entitled matter came before the undersigned United States Magistrate Judge upon routine supervision of cases filed in this Division, and upon an assignment made in accordance with Title 28 U.S.C. §636(b)(1)(B).

This matter was initiated on January 8, 2007, by the filing of a Complaint with the Clerk of Court. On May 18, 2007, the Plaintiff filed an Affidavit of Service, which disclosed that the Defendant Patricia Orud was served with the Summons and Complaint on May 11, 2007. See, Docket No. 14. By Order dated August 13, 2007, see, Docket No. 30, we noted that the Defendant Patricia Orud (“Orud”) had not made a responsive filing in this matter, and provided as follows:

That the Plaintiff is directed to notify the Defendant Orud that she is required to serve and file an Answer or some other responsive pleading, or to move for an extension of time to do so, and that an application for an entry of default is required within 10 days of such notification if no response is filed; file an application for entry of default as to the Defendant Orud unless the required pleadings are filed within 10 days of the referenced notification; or advise the Court in writing of any good cause to the contrary.¹

We further advised that, if the Plaintiff failed to abide by the terms of our Order, that we would recommend that this case, as to the Defendant Orud, be dismissed for lack of prosecution.

The Plaintiff has failed to abide by the terms of our Order of August 13, 2007. Since we have previously warned the Plaintiff of the potential consequences for his failure to abide by the Orders of this Court, we recommend that this action as to the Defendant Orud, be dismissed, for failure to comply with this Court's Order of August 13, 2007, and for lack of prosecution.

NOW, THEREFORE, It is --

¹We also noted in our Order of June 11, 2007, see, Docket No. 23, that we had asked the Defendants to clarify their relationship to the Defendant Patricia Orud, and as we had heard nothing in response, we conclude that counsel for the other Defendants does not represent the Defendant Patricia Orud in this matter. See, Docket No. 30.

RECOMMENDED:

That this action be dismissed, as to the Defendant Patricia Orud, for failure to comply with this Court's Order of August 13, 2007, and for lack of prosecution.

BY THE COURT:

Dated: November 19, 2007

s/Raymond L. Erickson

Raymond L. Erickson
CHIEF U.S. MAGISTRATE JUDGE

NOTICE

Pursuant to Rule 6(a), Federal Rules of Civil Procedure, D. Minn. LR1.1(f), and D. Minn. LR72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties **by no later than December 6, 2007**, a writing which specifically identifies those portions of the Report to which objections are made and the bases of those objections. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals.

If the consideration of the objections requires a review of a transcript of a Hearing, then the party making the objections shall timely order and file a complete

transcript of that Hearing **by no later than December 6, 2007**, unless all interested parties stipulate that the District Court is not required by Title 28 U.S.C. §636 to review the transcript in order to resolve all of the objections made.